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HOUSE BILL 2440

By Tindell

AN ACT to amend Tennessee Code Annotated, Title 9, Chapter 8, relative to reimbursement of officers or employees for certain damages and costs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 9-8-112(h)(1), is amended by adding the following language as a new sentence following the first sentence:

In addition, the board of claims is authorized to reimburse the affected officer or employee for adjudicated damages in accordance with §9-8-113.

SECTION 2. Tennessee Code Annotated, Title 9, Chapter 8, Part 1, is amended by adding the following language as a new section as follows:

Section 9-8-113. If a judgment in a court of law has been awarded against an officer or employee and such award includes damages in addition to compensatory damages, the board of claims is authorized, in its discretion, to present to the claims commission the circumstances of the case surrounding such award together with its recommendation on whether the circumstances warrant the officer or employee being reimbursed and the amount of such reimbursement. All three (3) members of the claims commission shall review the information presented by the board of claims and make a

determination of whether reimbursement is appropriate and the amount of such reimbursement. The board of claims shall adhere to and act upon the decision of the claims commission. The decision of the claims commission on such action shall be final and shall not be judicially reviewable.

SECTION 3. Tennessee Code Annotated, Section 9-8-307, is amended by adding the following language as a new subsection:

(j) In addition to the duties otherwise described in this section, the claims commission shall have jurisdiction to review information provided by the board of claims pursuant to § 9-8-113 and to make a determination in the manner described in such section.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it and shall apply retroactively to cases in which a decision was rendered by the Tennessee Court of Appeals during and after the year 2000.